

Remarks

Paragraph 1 of the Office Action mailed July 2, 2004, (hereinafter referred to as "the Office Action") objected to the misidentification in paragraph 2 of the specification of patent number 5,711,139, as "5,711,129." Paragraph 2 of the specification has been replaced to correct this error.

Paragraph 1 of the Office Action also objected to the erroneous use of the word "axis" rather than--axes--in the penultimate line of paragraph 5 of the specification. Paragraph 5 of the specification has been replaced to correct this error.

Paragraph 1 of the Office Action also objected to the use of reference numbers "14" and "16" to refer both to the right frame member and left frame member, respectively, and to hydraulic motors. The use of reference numbers "14" and "16" to refer to hydraulic motors appeared only in paragraph 17, as a result of a clerical error. The right and left hydraulic motors had previously been designated reference numbers 50 and 56, respectively (see specification, page 4, lines 3 and 7). Paragraph 17 has been replaced to change "14" to--50-- and "16" to--56--when referring to the hydraulic motors. When making this change, it was noted that "ad" appeared between "14" and "16". The word between the numerals should, of course, have been --and--. This correction has also been made in replacement paragraph 17. In the course of correcting the misdesignation of hydraulic motor 50, it was also noted that the reference number "50" was also used in paragraph 15 (specification page 4 line 11), to identify the right side hydraulic pump which was elsewhere identified by reference number 78 (see specification page 5, line 8, and FIG. 1). Paragraph 15 has, therefore, been replaced to change "50" to --78--when referring to the right side hydraulic pump.

Paragraph 3 of the Office Action rejected claims 1 and 2 as unpatentable over Rafaels in view of Fujimoto. The Office Action stated on page 3 that Rafaels discloses, *inter alia*

"means (see column 5, lines 9-15) for remotely controlling (see column 4, lines 52-68) the speed and direction of rotation of said first pair of ground wheels (36)" and that "Fujimoto discloses a mowing device including means for controlling the speed and direction of rotation of said first pair of ground wheels (8, see figure 8II)." However, as was pointed out at the interview on September 21, 2004, Rafaels discloses means for varying the speed, but not the direction of rotation, of its drive wheels 36 and 38 and the other two wheels, 28 and 30, are caster wheels that are not controllable at all. (Rafaels column 5, lines 2-18). Fujimoto disclosed a tractor on which the front wheels 8 and the rear wheels 9 are all driven by a single engine 11 and a single transmission 12 (column 2, lines 67-68; column 12, lines 14-16). The steering is accomplished by changing the alignment of the wheels with respect to the body of the vehicle, like the steering of an ordinary automobile (although the front wheels and rear wheels of Fujimoto are independently steerable)(column 3, lines 20-40, and FIGS. 8 (I)-8 (V)), and the direction of rotation of the wheels is changed only to change the direction of travel of the vehicle from forward to rearward (column 3, lines 51-63). Thus, the cited references neither disclose nor make obvious the steering of the present invention, in which the speed and direction of rotation of the ground wheels on one side are controlled independent of the speed and direction of rotation of the ground wheels on the other side, which permits the operator, not only to cause the mowing device to move forward and backward and turn, but also to pivot about any of a number of vertical axes intersecting the body of the mowing device. (Specification page 3, line 20-page 4, line 2). It was agreed at the interview that, in order to clarify that this is the manner of steering being claimed, claim 1 should be amended by replacing "first" with --right--and "second" with --left-- when referring to the sides of the frame to which the pairs of ground wheels are mounted. These amendments have been made

and claim 2 has been amended to conform to this change. It is respectfully submitted that claims 1 and 2, as amended, should now be allowed.

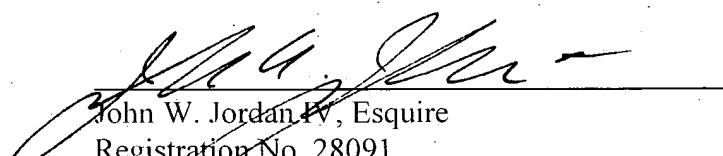
Paragraph 4 of the Office Action rejected claims 7, 9 and 10 as unpatentable over Rafaels in view of Meeks. The Office Action states that Meeks discloses, *inter alia* "hydraulic motors (80) mounted on the first and second sides of the frame (20), the motors (80) being hydraulically connected to the hydraulic pumps (92) and being mechanically connected to wheels (82), as per claim 7.... ." It was explained at the interview that claim 7 had been intended to claim means for accomplishing the type of steering discussed above and that, like Rafaels, Meeks does not disclose such steering. On the contrary, Meeks specifically states "All of the motors 80 operate at the same speed because they are joined together in series by fluid lines 98." (Meeks column 4, lines 25-27.) It was agreed at the interview that claim 7 should be amended to change the references to the sides of the device from "first" and "second" to --right-- and --left-- and also to amend the claim to make clear that the hydraulic pumps are controlled separately. These amendments have been made. It was also pointed out in the interview that claim 7 further distinguishes from the cited references by claiming the mounting of the hydraulic motors on the frame and the mounting of the hydraulic pumps on a deck which is "detachably attachable to said frame at any one of a plurality of heights." (Claim 7, line 3.) The mounting of all of the drive means except the hydraulic motors on the vertically adjustable deck maximizes the extent to which the center of gravity of the mower can be vertically adjusted (specification, page 2, line 15-17), a feature which is neither disclosed or made obvious by the cited references. It is respectfully submitted that claim 7 as amended should now be allowed and that claims 9 and 10, which are dependent from claim 7, should, of course, be allowed as well.

Paragraph 5 of the Office Action rejected claims 4 and 5 as obvious over Rafaels in view of Fujimoto as applied to claim 2 above, and further in view of Taub. However, claim 4 is dependent from claim 2 and claim 5 is dependent from claim 4. Since, for the reasons discussed above, claim 2 as amended should be allowed, claims 4 and 5 should be allowed as well.

Paragraph 6 of the Office Action rejected claim 6 as unpatentable over Rafaels, Fujimoto and Taub as applied to claims 4 and 5 and in further view of Mountcastle, Jr. However, claim 6 is dependent from claim 5. Since, for the reasons discussed above, claim 5 should be allowed, claim 6 should be allowed as well.

Although claims 3 and 8 are not specifically addressed in the Office Action, the Office Action Summary indicates that claims 3 and 8 are objected to. It is understood that the amendments discussed above will overcome those objections. It is respectfully submitted that, with the amendments discussed above, all claims are now allowable. It is, therefore, requested that the rejections and objections be reconsidered and withdrawn and that claims 1-10 be allowed.

Respectfully submitted,



John W. Jordan, IV, Esquire
Registration No. 28091
(412) 338-4728
(412) 338-4742 facsimile